IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.5799 of 2004

Shri Devnarayan Shivram Tiwari — Petitioner
Vs.
Municipal Corporation of Gr.Bombay — Respondents

Mr.G.S.Godbole with Mr.S.J.Chaurasia for petitioner.

CORAM: B.H.MARLAPALLE,J.
August 01, 2006.

P.C.

. Heard Mr.Godbole with Mr.Chaurasia, the learned counsel for the petitioner - plaintiff in L.C. Suit No.5362 of 2000. By the order dated 23/6/2004 the learned Judge of the City Civil Court took on record the written statement filed by the Respondent - Municipal Corporation and by a separate application presented on the same day the plaintiff opposed the WS being taken on record. This application was rejected and the suit was adjourned to 14/7/2004. This order dated 23/6/2004 taking on record the WS filed by the Municipal Corporation is challenged in this petition. A copy of the Roznama at Exhibits "D" and "E" has been placed on record along with the petition memo and it is seen from the same that on 9/2/2004 the learned Judge had granted time to the Municipal Corporation to file its written statement as a last chance and on the next date i.e.

27/2/2004 the Court was busy in dictating judgment in L.C. Suit No.2376 of 1997 and, therefore, the board was discharged. On 2/4/2004 the learned Advocate for the Municipal Corporation made oral application for time to file written statement on the next date and this oral application was allowed and the suit was adjourned for filing WS to 23/6/2004. Accordingly on 23/6/2004 the Corporation filed its written statement and the same was taken on record. Mr.Godbole, the learned counsel for the plaintiff contended that there should have been a reasoned order in condoning the delay. These contentions cannot be accepted on the face of the record which clearly indicates that the learned Judge herself went on granting time to the Corporation to file written statement and, therefore, the challenge to the impugned order dated 23/6/2004 is unsustainable.

. The petition is rejected summarily. The ad-interim order stands vacated. The trial of the suit is expedited.

(B.H.MARLAPALLE,J.)